

House Judiciary Committee Meeting
Thursday, February 28, 1963

The House Judiciary Committee met Thursday, February 28, 1963, in Room 523 at 8:45 A.M. with Chairman Clyde Hill presiding. Fourteen members were present. Members Arthur, Davis, Fatzer, Tillotson, Van Cleave and Williams were absent. Also present to present proposed bills were Harold Schroeder and Oliver Ebel, Secretary of the Kansas Medical Society.

Chairman Hill called the meeting to order.

The Chairman asked the subcommittee if it is ready with its report concerning the proposed bill relating to criminal procedure, providing for the issuance of search warrants. Mr. Crossan reported concerning the proposed bill and explained what the subcommittee has done with it. Mr. Smith moved the committee introduce this bill and have it referred back to the committee for further consideration. Mr. Skoog seconded. Chairman Hill asked for any further discussion. There was none. Motion carried unanimously.

Mr. Euler moved the committee introduce the repealers and have them referred back to the committee for further consideration. Mr. Smith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Malone explained House Bill No. 308, an act concerning the court of common pleas of Sedgwick county; relating to jurisdiction, duties and powers, recovery of personal property, court cost deposits, and seal of such court; relating to fees and compensation of judges and certain officers and employees of such court, amending sections 20-2010 and 20-2014 of the General Statutes of 1949, and sections 20-2002, 20-2014d, 20-2015, and 20-2311 of the General Statutes Supplement of 1961, and repealing said original sections.

Mr. Malone moved that House Bill No. 308 be amended in section 2, line 1, by striking the word "If" and inserting in lieu thereof "In actions for the recovery of specific personal property" and in line 12 by striking the word "he" and inserting in lieu thereof "the clerk". Mr. Euler seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Malone moved that House Bill No. 308 be amended in section 3, lines 3 and 4, by striking "where the plaintiff is a resident of the state of Kansas," in line 14 by striking "motion for post judgment", in line 17 by inserting "in addition to the judgment debtor" after the word "witness" and before the word "sought", in lines 20 and 21 by striking "Sedgwick", in lines 33 and 34 by striking "Provided,", in lines 38, 39, 40 and 41 by striking "Where a jury is demanded by plaintiff, the accrued costs shall stand as a judgment against the plaintiff and may be collected upon execution." Mr. Griffith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Malone moved that House Bill No. 308 be amended in section 5, line 11 by inserting after the period "That where said court has a parole officer, the judge of said court may appoint either the parole officer or the clerk of the court as ex officio clerk of said board." and in line 16 by striking "1953" and inserting in lieu thereof "1963". Mr. Griffith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Malone moved that House Bill No. 308 be reported favorably for passage as amended. Mr. Griffith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Harold Schroeder and Oliver Ebel appeared before the committee concerning House Bill No. 326, an act relating to professional service corporations as therein defined, authorizing the incorporation and organization thereof, providing special provisions, conditions and regulations, and prescribing certain powers, duties, liabilities and restrictions. Mr. Schroeder explained the proposed law and presented its advantages. He stated that there is a very definite tax advantage. He was questioned by Members Griffith, Liebert and Briggs. Mr. Schroeder explained the specific sections more fully. He stated that if there is any conflict between this law and the corporation law, the proposed law will take precedence. Mr. Briggs asked if an individual practitioner could incorporate himself. Mr. Schroeder said he could. Mr. Griffith questioned if the group must consist of one profession. Mr. Schroeder said that this is the manner in which it operates. Mr. Skoog asked a question in regard to liability. Mr. Schroeder stated that there is more liability than before. Mr. Griffith asked if a person could belong to two corporations, for example an attorneys' corporation and an engineers' corporation. Mr. Schroeder stated that this would be violating the ethics, but on further consideration he stated that it could be done. Mr. Griffith asked the number of states having this. Mr. Schroeder said he isn't certain, but that it is about twenty-three or twenty-four. Mr. Edwards asked if this would be a help to small town lawyers who have maybe only one secretary and perhaps his wife helping. Mr. Schroeder said that it definitely would be a help. He went on to state that it is being challenged in several states and isn't necessarily acceptable to the federal government. Mr. Edwards asked a question in regard to social security and Mr. Schroeder explained how this works. Mr. Schroeder said that he could present to the members of the committee the differences between this proposed law and the HR 10 if they so desired. The committee didn't desire to hear these differences. Mr. Skoog stated that the Bar Association approves of this proposed bill. Chairman Hill asked if the members of the committee had any further questions to ask Mr. Schroeder or Mr. Ebel. There were no further questions. Mr. Hill thanked the gentlemen for appearing.

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Mr. Skoog moved that House Bill No. 326 be amended in line 11 of section 3 by striking the word "and" and inserting in lieu thereof a comma and by inserting "and engineers" after the word "law" and before the period. Mr. Gardner seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Skoog moved that House Bill No. 326 be reported favorably for passage as amended. Mr. Malone seconded. Chairman Hill asked for any discussion. There was none. Seven members of the committee were in favor of the motion and two opposed. Motion carried.

Oliver Ebel, Secretary of the Kansas Medical Society, presented a proposed bill, an act relating to public health and welfare; to relieve from civil liability persons who render emergency care at the scene of an emergency when such care or services are rendered gratuitously and in good faith, or in failing to arrange for or provide further medical treatment or care for the injured person. He gave a brief explanation of the proposed bill. A subcommittee consisting of members Smith, Skoog and Liebert will work on this and report to the committee.

The meeting adjourned at 9:55 A.M. to meet in Room 523 at 8:30 A.M. Friday, March 1, 1963.

Respectfully submitted,
Clyde Hill, Chairman

CH:rl

Minutes approved:

~~SENATE~~ BILL No. _____

AN ACT RELATING TO PUBLIC HEALTH AND WELFARE;
TO RELIEVE FROM CIVIL LIABILITY PERSONS WHO
RENDER EMERGENCY CARE AT THE SCENE OF AN
EMERGENCY WHEN SUCH CARE OR SERVICES ARE
RENDERED GRATUITOUSLY AND IN GOOD FAITH, OR
IN FAILING TO ARRANGE FOR OR PROVIDE FURTHER
MEDICAL TREATMENT OR CARE FOR THE INJURED
PERSON.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

Section 1. No person, who renders emergency care at the scene of an emergency gratuitously and in good faith, shall be held liable for any civil damages as a result of any act or omission by such person in rendering the emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care of the injured person.

Section 2. This act shall take effect and be in force from and after its publication in the statute book.